

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-LFG

RIO CHAMA STREAM SYSTEM
Section7: Cañones Creek

STATUS REPORT

In compliance with the *Order* filed January 5, 2012 (Docket No. 10677), the Plaintiff State of New Mexico *ex rel.* State Engineer files this Status Report in connection with the letter to Chief United States District Judge Bruce D. Black, dated December 12, 2011, from Miguel R. Sanchez.

1. Counsel for the State, Edward G. Newville, did not receive a copy of the letter from Miguel R. Sanchez, and the statements in that letter attributed to counsel for the State are somewhat misleading and should be disregarded.
2. Counsel for the State has previously written to Mr. Sanchez to discuss the information in the Consent Order entered in Subfile CHCC-003-0012 (El Barranco LLC) (Docket No. 9090) (February 7, 2008). The State's position is that there is no error in the identification of the Sanchez y Chavez Ditch as the legal and legitimate source of water used for irrigation purposes on certain lands identified in the Consent Order entered in that subfile. The State informed Mr. Sanchez that he will have the opportunity to file a protest to that determination during the *inter se* phase of these proceedings. The

inter se phase of these proceedings in this subsection will be initiated by the State after the completion of the current proceedings involving the determination of priorities and irrigation water requirements. Mr. Sanchez may have misunderstood this information.

3. An additional inspection by the State of the lands in Subfile CHCC-003-0012 is not required. The State has accepted the claims of El Barranco LLC, including its claim to the right to irrigate from the Sanchez y Chavez Ditch. Any response to be made to *inter se* objections made by Mr. Sanchez will be come from El Barranco LLC, not from the State.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of January 2012, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Miguel R. Sanchez
P.O. Box 131
Los Ojos, NM 87551-0131